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United Nations Environment Programme

Report of the Governing Council

Eleventh special session (24-26 February 2010)

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Report of the Governing Council/Global Ministerial Environment Forum on the work of its eleventh special session

(Bali, Indonesia, 24-26 February 2010)

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Report of the Governing Council/Global Ministerial Environment Forum on the work of its eleventh special session

Bali, Indonesia, 24-26 February 2010

[28 June 2010]

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Introduction

1. The eleventh special session of the United Nations Environment Programme (UNEP) Governing Council/Global Ministerial Environment Forum was held at the Bali International Convention Centre in Nusa Dua, Bali, Indonesia, from 24 to 26 February 2010. It was convened in pursuance of section I of Governing Council decision 25/17 of 20 February 2009 and paragraph 5 of General Assembly resolution 40/243 of 18 December 1985, on the pattern of conferences, and in accordance with rules 5 and 6 of the rules of procedure of the Governing Council.

I. Opening of the session

2. The eleventh special session was opened at 10 a.m. on Wednesday, 24 February 2010, by a representative of the secretariat who served as master of ceremonies. The proceedings began with a presentation of a short film prepared by the host country with the title "One planet, our responsibility".

3. Opening statements were made by Mr. Oliver Dulić, Minister of Environment and Spatial Planning of Serbia, and President of the Governing Council; Mr. R. M. Marty M. Natalegawa, Minister of Foreign Affairs of Indonesia; Mr. Ban Ki-moon, Secretary-General of the United Nations, whose message to the Council/Forum was delivered by Ms. Angela Cropper, Deputy Executive Director of UNEP; Mr. Achim Steiner, Executive Director of UNEP; and Mr. Susilo Bambang Yudhoyono, President of Indonesia.[1]

II. Organization of work

A. Attendance

4. The following States members of the Governing Council were represented at the session: Antigua and Barbuda, Argentina, Australia, Bahamas, Bangladesh, Belgium, Brazil, Canada, China, Colombia, Congo, Croatia, Cuba, Czech Republic, Fiji, Finland, France, Gabon, Germany, Guinea, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kazakhstan, Kenya, Lesotho, Malaysia, Mali, Mauritius, Mexico, Monaco, Mozambique, Netherlands, Pakistan, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Serbia, Somalia, Spain, Switzerland, Tunisia, United Republic of Tanzania, United States of America, Uruguay.

5. The following States not members of the Governing Council but members of the United Nations or members of a specialized agency or of the International Atomic Energy Agency were represented by observers: Afghanistan, Algeria, Armenia, Austria, Bahrain, Barbados, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Chile, Comoros, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Georgia, Ghana, Guatemala, Holy See, Iraq, Ireland, Jordan, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Madagascar, Maldives, Malta, Marshall Islands, Mongolia, Morocco, Myanmar, Namibia, Nepal, New Zealand, Nigeria, Norway, Oman, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Saint Lucia, Samoa, Senegal, Singapore, Slovakia, South Africa, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Timor-Leste, Togo, Turkey,

[1] A fuller account of the discussions of the Governing Council/Global Ministerial Environment Forum at its eleventh special session, including summaries of the opening and general statements and of the Council/Forum's deliberations on the substantive issues before it, is contained in the proceedings of the session (UNEP/GCSS.XI/11).

Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Yemen, Zimbabwe.

6. An observer for Palestine also participated.

7. The following United Nations bodies, secretariat units and convention secretariats were represented: Convention on Biological Diversity, Convention on Migratory Species, Convention on Wetlands of International Importance, Especially as Waterfowl Habitat, Global Environment Facility, Ozone Secretariat, Secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol, United Nations Department of Economic and Social Affairs, United Nations Development Programme, United Nations Economic Commission for Europe, United Nations Framework Convention on Climate Change, United Nations Human Settlements Programme, United Nations Institute for Training and Research, United Nations University, World Food Programme.

8. The following specialized agencies were represented: Food and Agriculture Organization of the United Nations, International Labour Organization, United Nations Educational, Scientific and Cultural Organization, United Nations Industrial Development Organization, World Bank, World Meteorological Organization.

9. The following intergovernmental organizations were represented: African Union Commission, Asian Development Bank, Central African Economic and Monetary Community – Inter-States Pesticides Committee of Central Africa, Commonwealth Secretariat, European Environment Agency, European Union, Intergovernmental Panel on Climate Change, International Union for Conservation of Nature, League of Arab States, Organization for Economic Cooperation and Development, Organization of the Islamic Conference, South Pacific Regional Environment Programme.

10. In addition, a number of non-governmental and civil society organizations were represented by observers.

11. A full list of participants was made available as document UNEP/GCSS.XI/INF/12.

B. Election of officers

12. As a result of the election of 29 member States of the Governing Council by the General Assembly at its sixty-fourth session, in November 2009, Algeria, which had been represented on the Bureau, had ceased to be a member of the Governing Council as of 1 January 2010. Consequently, the seat of the African group on the Bureau had fallen vacant on 1 January 2010. Accordingly, at the opening meeting of the special session, on 24 February 2010, the Council/Forum elected Mr. Henri Djombo (Congo) Vice-President pursuant to rules 18 and 19 of its rules of procedure.

13. In addition, owing to the departure of Mr. Juan Carlos Cué Vega (Mexico), the member of the Bureau from Latin America and the Caribbean, from his post as the representative to UNEP, the group of Latin American and Caribbean countries informed the secretariat that it would nominate Mr. Luis Javier Campuzano Pina (Mexico) as Vice-President to succeed him.

14. Both officers were elected by acclamation and would serve until the twenty-sixth regular session of the Council/Forum.

C. Credentials of representatives

15. In accordance with rule 17, paragraph 2, of the rules of procedure, the Bureau examined the credentials of the representatives attending the session. Representatives of 49 of the 58 member States attended the session and their credentials were found to be in order. The President so reported to the Council/Forum, which approved the Bureau's report at its 3rd plenary meeting, on the afternoon of Friday, 26 February.

D. Agenda

16. At its 1st plenary meeting, on the morning of Wednesday, 24 February 2010, the Council/Forum adopted the following agenda for the session, on the basis of the provisional agenda (UNEP/GCSS.XI/1):

1. Opening of the session.
2. Organization of work:
   (a) Election of officers;
   (b) Adoption of the agenda;
   (c) Organization of the session.
3. Credentials of representatives.
4. Emerging policy issues: environment in the multilateral system.
5. Other matters.
6. Adoption of the proceedings.
7. Closure of the session.

E. Organization of the session

17. At its 1st plenary meeting, the Council/Forum considered and approved the organization of work of the session in the light of the recommendations contained in the annotated agenda (UNEP/GCSS/XI/1/Add.1/Rev.1).

18. Pursuant to one of those recommendations, it was decided that the Council/Forum would hold ministerial consultations from the afternoon of Wednesday, 24 February until the morning of Friday, 26 February.

19. The Council/Forum also decided to establish a committee of the whole, chaired by Mr. John Matuszak (United States of America), which would consider agenda items 4 and 5; a drafting group chaired by Mr. Daniel Chuburu (Argentina); and a working group on the outcome document chaired by Mr. Dian Triansyah Djani (Indonesia) and Ms. France Jacovella (Canada).

20. It was further agreed that the Council/Forum would consider agenda items 3 (credentials of representatives), 5 (other matters), 6 (adoption of the proceedings) and 7 (closure of the session) during the plenary meeting on the afternoon of Friday, 26 February.

F. Policy statement by the Executive Director

21. At the 1st plenary meeting, the Executive Director delivered a policy statement. A summary thereof may be found in the proceedings of the session (UNEP/GCSS.XI/11).

G. Nusa Dua Declaration

22. At the 2nd plenary meeting, on the morning of Friday, 26 February, the Council/Forum adopted the Nusa Dua Declaration. The Declaration can be found in annex I to the present report as decision SS.XI/9.

H. Ministerial consultations

23. During the ministerial-level consultations, representatives considered three topics under the overarching theme of "Environment in the multilateral system". Those topics were "International environmental governance and sustainable development", "green economy" and "biodiversity and ecosystems". The consultations ran from the afternoon of Wednesday, 24 February until the morning of Friday, 26 February. The first and third topics were discussed in plenary meetings, while discussions of the second topic took the form of five parallel round-table discussions.

I. Report of the Committee of the Whole

24. The Committee of the Whole held four meetings, under the chairship of Mr. Matuszak, from 24 to 26 February, to consider the agenda items assigned to it. At its 3rd plenary meeting, on the afternoon of Friday, 26 February, the Council/Forum took note of the report of the Committee of the Whole. The report is set out in annex III to the proceedings of the session (UNEP/GCSS.XI/11).

III. Matters requiring the special attention of the General Assembly or the Economic and Social Council

A. Nusa Dua Declaration

25. By its decision SS.XI/9, the Governing Council adopted the Nusa Dua Declaration. The Declaration takes up the most fundamental environmental aspects and concerns, in particular, climate change, sustainable development, the green economy and biodiversity. The adoption of this declaration, coming a decade after the adoption by the Council/Forum of the Malmö Ministerial Declaration, provides a strategy for the coming years to tackle environmental challenges in the short, medium and long terms.

B. International environmental governance

26. By its decision SS.XI/1, the Governing Council invited the President of the Governing Council to transmit the set of options for improving international environmental governance identified by the consultative group of ministers or high-level representatives established pursuant to decision 25/4 of 20 February 2009 to the General Assembly at its sixty-fourth session as an input to the continuing process of improving international environmental governance.

27. The Governing Council decided to establish a process to consider broader and incremental reforms in line with the findings of the set of options described above. A high-level consultative group of ministers has been mandated to conclude its work in a timely fashion and present a final report to the Governing Council at its twenty-sixth session in anticipation of the Council's contribution in time for the second meeting of the open-ended preparatory committee of the United Nations Conference on Sustainable Development and the sixty-fifth session of the General Assembly.

C. President's summary of the ministerial consultations

28. At the 3rd plenary meeting, on the afternoon of Friday, 26 February, the President of the Council/Forum presented a draft summary of the views expressed during the ministerial consultations on each theme considered during the eleventh special session of the Council/Forum. The summary, which is contained in annex II to the present report, reflects the interactive dialogue that occurred among the ministers and other heads of delegation, and the ideas presented and discussed rather than a consensus view of all points raised.

IV. Adoption of decisions

Decision number	Title
SS.XI/1	International environmental governance
SS.XI/2	United Nations Environment Programme support for Haiti: strengthening environmental response in Haiti
SS.XI/3	Enhanced coordination across the United Nations system, including the Environment Management Group
SS.XI/4	Intergovernmental science-policy platform on biodiversity and ecosystem services
SS.XI/5	Environmental law
SS.XI/6	Follow-up report on the environmental situation in the Gaza Strip
SS.XI/7	Oceans
SS.XI/8	Consultative process on financing options for chemicals and wastes
SS.XI/9	Nusa Dua Declaration

V. Emerging policy issues: environment in the multilateral system

VI. Other matters

29. The above agenda items were considered by the Committee of the Whole. The report on the deliberations of the Committee is contained in annex III to the proceedings of the session (UNEP/GCSS.XI/11).

30. The decisions adopted by the Council/Forum on the items are set out in annex I to the present report and those requiring the special attention of the General Assembly or the Economic and Social Council are listed in chapter III above.

VII. Adoption of the proceedings

31. The proceedings of the session (UNEP/GCSS.XI/11) were adopted by the Council/Forum at its 3rd plenary meeting, on the afternoon of 26 February 2010, on the basis of the draft proceedings that had been circulated and on the understanding that the secretariat and the Rapporteur would be entrusted with their finalization.

VIII. Closure of the session

32. Following the customary exchange of courtesies, the eleventh special session of the Governing Council/Global Ministerial Environment Forum was declared closed by the President of the Council/Forum at 4.25 p.m. on Friday, 26 February 2010.

Annex I

Decisions adopted by the Governing Council/Global Ministerial Environment Forum at its eleventh special session

Decision number	Title
SS.XI/1	International environmental governance
SS.XI/2	United Nations Environment Programme support for Haiti: strengthening environmental response in Haiti
SS.XI/3	Enhanced coordination across the United Nations system, including the Environment Management Group
SS.XI/4	Intergovernmental science-policy platform on biodiversity and ecosystem services
SS.XI/5	Environmental law
SS.XI/6	Follow-up report on the environmental situation in the Gaza Strip
SS.XI/7	Oceans
SS.XI/8	Consultative process on financing options for chemicals and wastes
SS.XI/9	Nusa Dua Declaration

SS.XI/1: International environmental governance

The Governing Council,

Recalling its decision 25/4 of 20 February 2009, in which it decided to establish a consultative group of ministers or high-level representatives, which was requested to conclude its work and present a set of options for improving international environmental governance to the Governing Council/Global Ministerial Environment Forum at the current session, with a view to providing inputs to the General Assembly,

Expressing thanks to the Governments of Serbia and Italy for hosting the meetings of the consultative group in Belgrade and Rome, respectively, and gratitude to the Minister of Environment, Land and Sea of Italy and the Minister of Environment and Mineral Resources of Kenya for co-chairing the consultative group and appreciation to the Executive Director for serving as adviser to the group,

1. *Welcomes with appreciation* the result of the process requested in the above-mentioned decision;

2. *Takes note* of the set of options for improving international environmental governance identified by the consultative group; which is set out in the annex to the present decision;[1]

3. *Requests* the Executive Director to identify, in full consultation with all Governments through the Committee of Permanent Representatives, the incremental changes in the set of options, within the mandate of the United Nations Environment Programme, that can be immediately implemented during the biennium 2010–2011 and those to be integrated into the development of the programme of work for the period 2012–2013, and to present a report on the matter to the Governing Council/Global Ministerial Environment Forum at its twenty-sixth session;

4. *Invites* the President of the Governing Council to transmit the set of options to the General Assembly at its sixty-fourth session as an input to the continuing process of improving international environmental governance;

[1] UNEP/GCSS.XI/4; see also annex II to the proceedings of the Governing Council/Global Ministerial Environment Forum at its eleventh special session (UNEP/GCSS.XI/11).

5. *Decides* to establish a regionally representative, consultative group of ministers or high-level representatives, inviting each United Nations region to propose between four and six Governments to participate, while remaining open to participation by other interested Governments, and in this regard requests the Executive Director to seek additional extrabudgetary resources to facilitate the further participation of representatives of developing countries in addition to the nominated regional representatives;

6. *Also decides* that the group will have two co-chairs, one from a developing country and one from a developed country, and requests the Executive Director to participate as an adviser to the group, which will also comprise high-level representatives of relevant United Nations agencies, designated through the Environment Management Group;

7. *Requests* the Executive Director, in his capacity as Chair of the Environment Management Group, to invite the United Nations system to provide input to the group, including by assessing gaps, needs and considerations related to how the system is currently achieving the identified objectives and functions for international environmental governance;

8. *Decides* that the group will consider the broader reform of the international environmental governance system, building on the set of options but remaining open to new ideas;

9. *Invites* the consultative group, through the United Nations Environment Programme secretariat, to seek relevant inputs from civil society groups from each region in the process of further strengthening international environmental governance;

10. *Decides* that the group will conclude its work in a timely fashion and present a final report to the Governing Council at its twenty-sixth session in anticipation of the Council's contribution in time for the second meeting of the open-ended preparatory committee of the United Nations Conference on Sustainable Development and the sixty-fifth session of the General Assembly;

11. *Requests* the Executive Director to seek extrabudgetary resources to facilitate the participation of representatives of developing countries in the group's meetings;

12. *Requests* countries in a position to do so to provide financial support for the participation of representatives of developing countries.

SS.XI/2: United Nations Environment Programme support for Haiti: strengthening environmental response in Haiti

The Governing Council,

Noting with deep concern the devastating impact of the earthquake of 12 January 2010 on the people, economy and environment of Haiti, and in particular the suffering of Haiti's people,

Recognizing the primacy of the Haitian people in the reconstruction and development of their country and the key coordinating role given to the United Nations under the leadership of the country's Government,

Expressing concern regarding the disaster's medium-term and long-term social, economic and environmental impacts,

Noting with concern the extent to which limitations in capacities for emergency prevention, preparedness, assessment, response and mitigation of natural and human-induced disasters in Haiti could further jeopardize progress towards attaining internationally agreed development goals, including those set out in the Millennium Declaration,[2]

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[2] General Assembly resolution 55/2 of 8 September 2000.

Pursuing its functions and responsibilities as outlined in General Assembly resolution 2997 (XXVII) of 15 December 1972 to keep under review the world environmental situation,

Recalling General Assembly resolution 64/250 of 22 January 2010 and the appeals to all Member States and all relevant organs and bodies of the United Nations system, in addition to international financial institutions and development agencies, to provide speedy, sustainable and adequate support for the relief, early recovery, rehabilitation, reconstruction and development efforts of Haiti,

Taking into account the special vulnerabilities of small island developing States in achieving sustainable development and recalling General Assembly resolution 59/311 of 14 July 2005, by which the General Assembly endorsed the Mauritius Declaration and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, adopted on 14 January 2005,

Recalling its decisions 21/17 of 9 February 2001 and 22/8 of 7 February 2003 on further improvement of environmental emergency prevention, preparedness, assessment, response and mitigation and its decisions 22/13 of 7 February 2003, 23/5 of 25 February 2005 and 24/6 of 9 February 2007 requesting the Executive Director to continue strengthening the support of the United Nations Environment Programme for small island developing States, including through efforts to mainstream the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States into the work of the United Nations Environment Programme,

1. *Welcomes with appreciation* the generous response and strong commitment by Governments, the United Nations system, international financial institutions and the international community to support Haiti and to tackle the broad range of challenges posed by the rehabilitation and reconstruction efforts;

2. *Welcomes* in particular the efforts to date by the United Nations Environment Programme in Haiti to address urgent environmental and post-disaster matters;

3. *Urges* the United Nations Environment Programme to assist actively the people of Haiti and the United Nations country team during the emergency recovery phase, by incorporating environmental needs into the humanitarian flash appeal and environmental considerations into the rehabilitation and reconstruction phases, and underlines the need to structure an environmental agenda for the reconstruction of affected areas in a participatory manner;

4. *Requests* the Executive Director to make every effort to ensure that the United Nations Environment Programme performs its key role in addressing environmental restoration and management, under the overall coordination of the United Nations country team and by taking part in relevant clusters, in particular with regard to human vulnerability and poverty eradication, taking into account the role of integrated coastal-zone management, land-use planning and ecosystems management.

SS.XI/3: Enhanced coordination across the United Nations system, including the Environment Management Group

The Governing Council,

Recalling section VI of its decision 25/1 of 20 February 2009, on enhanced coordination across the United Nations system, including the Environment Management Group,

Taking note of the report of the Executive Director on enhanced coordination across the United Nations system,[3]

Welcoming the progress in the implementation of the memorandum of understanding between the United Nations Development Programme and the United Nations Environment Programme and the contribution by the United Nations Environment Programme towards enhanced coordination across the United Nations system at the country level, as presented in the above-mentioned report,

Welcoming also the progress by the Environment Management Group in facilitating cooperation across the United Nations system to assist Member States in implementing the environmental agenda, as presented in the above-mentioned report,

1. *Encourages* the Executive Director to take further action to expedite the implementation of the said memorandum of understanding, in particular through the immediate establishment of the joint working group provided for under that memorandum, and requests an annual report to be submitted to the Governing Council/Global Ministerial Environment Forum on progress in the implementation of that memorandum;

2. *Requests* the Executive Director to strengthen further the regional offices to enhance their capacity to participate effectively in the processes at the regional and country levels to mainstream environmental sustainability in common country assessments and United Nations Development Assistance Frameworks, using, when appropriate, planning instruments at the regional and national levels;

3. *Encourages* the Environment Management Group to continue its cooperation, including by working with the United Nations System Chief Executives Board for Coordination and its subsidiary bodies in enhancing:

(a) The promotion of sustainable management practices in the United Nations system, including by making further progress towards climate neutrality and sustainable procurement;

(b) Cooperation in programming environmental activities in the United Nations system in the areas of biodiversity, land degradation and green economy, including by supporting the implementation of the strategic plans of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa,[4] and the Convention on Biological Diversity, including the post-2010 biodiversity targets, and by assessing how the United Nations system could more coherently assist countries in making the transition to a green economy;

(c) Coherence in mainstreaming environmental considerations in United Nations operational activities at the country level, in particular by identifying options for the development of a possible United Nations system-wide approach to environmental aspects.

SS.XI/4: Intergovernmental science-policy platform on biodiversity and ecosystem services

The Governing Council,

Recalling its main functions and responsibilities set out in General Assembly resolution 2997 (XXVII) of 15 December 1972, under which the Governing Council is, among other things, to promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge

[3] UNEP/GCSS.XI/3.

[4] ICCD/COP(8)/16/Add.1.

and information and, as appropriate, to the technical aspects of the formation and implementation of environmental programmes within the United Nations system,

Taking note of the Millennium Ecosystem Assessment and its follow-up process, the consultative process towards an international mechanism of scientific expertise on biodiversity and decision IX/15 of the Conference of the Parties to the Convention on Biological Diversity,

Recalling its decision 25/10 of 20 February 2009,

Noting the outcomes of the second ad hoc intergovernmental and multi-stakeholder meeting on an intergovernmental science-policy platform on biodiversity and ecosystem services, held in Nairobi from 5 to 9 October 2009,

Recognizing the need to strengthen and improve the science-policy interface for biodiversity and ecosystem services,

Having considered the report of the Executive Director on an intergovernmental science-policy platform on biodiversity and ecosystem services,[5]

1. *Invites* Governments and relevant organizations to finalize in 2010 their deliberations on improving the science-policy interface for biodiversity and ecosystem services for the conservation and sustainable use of biodiversity, long-term human well-being and sustainable development;

2. *Requests* the Executive Director to support efforts by Governments and relevant organizations to finalize the above-mentioned deliberations and, in so doing:

(a) To convene, in June 2010, a third and final ad hoc intergovernmental and multi-stakeholder meeting to negotiate and reach agreement on whether to establish an intergovernmental science-policy platform on biodiversity and ecosystem services, subject to the availability of extrabudgetary resources;

(b) To make available to all parties concerned, including participants in the third meeting, the information requested at the second meeting[6] in good time for the third meeting;

(c) To transmit, on behalf of the Governing Council, the outcomes of and necessary documentation from the third and final meeting to the General Assembly at its sixty-fifth session for consideration during the high-level segment on biological diversity in September 2010 and thereafter;

3. *Invites* Governments and organizations in a position to do so to provide extrabudgetary resources for the above-mentioned process;

4. *Requests* the Executive Director to cooperate closely with the relevant secretariats of the biodiversity-related multilateral environmental agreements and the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, multilateral financial institutions and relevant international organizations, in particular the Food and Agriculture Organization of the United Nations, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization and the International Union for Conservation of Nature and Natural Resources, to ensure the full involvement of key stakeholders in the preparation of the third meeting.

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[5] UNEP/GCSS.XI/7.

[6] UNEP/IPBES/2/4/Rev.1, annex, para. 29.

SS.XI/5: Environmental law

A

Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters

The Governing Council,

Recalling Principle 10 of the Rio Declaration on Environment and Development,[7] the Malmö Ministerial Declaration[8] and its decisions 20/4 of 4 February 1999, 20/6 of 5 February 1999, 21/24 of 9 February 2001, 22/17 of 7 February 2003 and 25/11 of 20 February 2009,

Recalling also that, as recognized by the Governing Council in its above-mentioned decision 25/11, access to environmental information enhances the transparency of environmental governance and that it is a prerequisite for effective public participation in environmental decision-making; that public participation in environmental decision-making generally improves decision-making and enhances its legitimacy; and that access to justice in environmental matters provides a means for affected parties to gain redress and to assist in the implementation and enforcement of legislation related to the environment,

Recognizing that national legislation on access to environmental information, public participation and access to justice in environmental matters contributes to the achievement of environmental sustainability and to the legal empowerment of citizens, including the poor and marginalized,

Noting with appreciation the further work carried out by the secretariat on the guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters,

Noting also with appreciation the outcome of the intergovernmental meeting to review and further develop draft guidelines for national legislation on access to information, public participation and access to justice in environmental matters, held in Nairobi on 12 and 13 November 2009,

1. *Adopts* the guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters, as set out in the annex to the present decision, noting that these guidelines are voluntary;

2. *Decides* that the secretariat shall disseminate the guidelines to all countries, and that the commentary on the guidelines[9] shall also be distributed to all countries for further comments to enhance its quality;

3. *Invites* countries to take the guidelines into consideration in the development or amendment of their national legislation related to the subject matters covered by the guidelines;

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7 *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex I.

8 Governing Council decision SS.VI/1, annex.

9 The commentary has been prepared by the secretariat in consultation with the Senior Advisers Group of the United Nations Environment Programme and has been annexed to the guidelines as indicative reference material. The text of the commentary has not been negotiated by Governments.

4. *Requests* the Executive Director to assist countries, upon their request, subject to the availability of resources and through the programme of work and budget, and, if appropriate, in collaboration with other relevant international and regional organizations, with the development or amendment of national legislation, policies and strategies on access to information, public participation and access to justice in environmental matters;

5. *Also requests* the Executive Director to provide updates on progress through regular reporting on the implementation of the programme of work and budget.

Annex to decision SS.XI/5 A

Guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters

The purpose of these voluntary guidelines is to provide general guidance, if so requested, to States, primarily developing countries, on promoting the effective implementation of their commitments to Principle 10 of the 1992 Rio Declaration on Environment and Development within the framework of their national legislation and processes. In doing so, the guidelines seek to assist such countries in filling possible gaps in their respective legal norms and regulations as relevant and appropriate to facilitate broad access to information, public participation and access to justice in environmental matters.

The guidelines should not be perceived as recommendations to amend national legislation or practice in cases where existing legislation or practice provides for broader access to information, more extensive public participation or wider access to justice in environmental matters than follows from these guidelines.

I. Access to information

Guideline 1

Any natural or legal person should have affordable, effective and timely access to environmental information held by public authorities upon request (subject to guideline 3), without having to prove a legal or other interest.

Guideline 2

Environmental information in the public domain should include, among other things, information about environmental quality, environmental impacts on health and factors that influence them, in addition to information about legislation and policy, and advice about how to obtain information.

Guideline 3

States should clearly define in their law the specific grounds on which a request for environmental information can be refused. The grounds for refusal are to be interpreted narrowly, taking into account the public interest served by disclosure.

Guideline 4

States should ensure that their competent public authorities regularly collect and update relevant environmental information, including information on environmental performance and compliance by operators of activities potentially affecting the environment. To that end, States should establish relevant systems to ensure an adequate flow of information about proposed and existing activities that may significantly affect the environment.

Guideline 5

States should periodically prepare and disseminate at reasonable intervals up-to-date information on the state of the environment, including information on its quality and on pressures on the environment.

Guideline 6

In the event of an imminent threat of harm to human health or the environment, States should ensure that all information that would enable the public[10] to take measures to prevent such harm is disseminated immediately.

Guideline 7

States should provide means for and encourage effective capacity-building, both among public authorities and the public, to facilitate effective access to environmental information.

II. Public participation

Guideline 8

States should ensure opportunities for early and effective public participation in decision-making related to the environment. To that end, members of the public concerned[11] should be informed of their opportunities to participate at an early stage in the decision-making process.

Guideline 9

States should, as far as possible, make efforts to seek proactively public participation in a transparent and consultative manner, including efforts to ensure that members of the public concerned are given an adequate opportunity to express their views.

Guideline 10

States should ensure that all information relevant for decision-making related to the environment is made available, in an objective, understandable, timely and effective manner, to the members of the public concerned.

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[10] "The public" may be defined as one or more natural or legal persons and their associations, organizations or groups.

[11] "The public concerned" may be defined as the public affected or likely to be affected by, or having an interest in, the environmental decision-making. For the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law should be deemed to have an interest.

Guideline 11

States should ensure that due account is taken of the comments of the public in the decision-making process and that the decisions are made public.

Guideline 12

States should ensure that when a review process is carried out where previously unconsidered environmentally significant issues or circumstances have arisen, the public should be able to participate in any such review process to the extent that circumstances permit.

Guideline 13

States should consider appropriate ways of ensuring, at an appropriate stage, public input into the preparation of legally binding rules that might have a significant effect on the environment and into the preparation of policies, plans and programmes relating to the environment.

Guideline 14

States should provide means for capacity-building, including environmental education and awareness-raising, to promote public participation in decision-making related to the environment.

III. Access to justice

Guideline 15

States should ensure that any natural or legal person who considers that his or her request for environmental information has been unreasonably refused, in part or in full, inadequately answered or ignored, or in any other way not handled in accordance with applicable law, has access to a review procedure before a court of law or other independent and impartial body to challenge such a decision, act or omission by the public authority in question.

Guideline 16

States should ensure that the members of the public concerned have access to a court of law or other independent and impartial body to challenge the substantive and procedural legality of any decision, act or omission relating to public participation in decision-making in environmental matters.

Guideline 17

States should ensure that the members of the public concerned have access to a court of law or other independent and impartial body or administrative procedures to challenge any decision, act or omission by public authorities or private actors that affects the environment or allegedly violates the substantive or procedural legal norms of the State related to the environment.

Guideline 18

States should provide broad interpretation of standing in proceedings concerned with environmental matters with a view to achieving effective access to justice.

Guideline 19

States should provide effective procedures for timely review by courts of law or other independent and impartial bodies, or administrative procedures, of issues relating to the

implementation and enforcement of laws and decisions pertaining to the environment. States should ensure that proceedings are fair, open, transparent and equitable.

Guideline 20

States should ensure that the access of members of the public concerned to review procedures relating to the environment is not prohibitively expensive and should consider the establishment of appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice.

Guideline 21

States should provide a framework for prompt, adequate and effective remedies in cases relating to the environment, such as interim and final injunctive relief. States should also consider the use of compensation and restitution and other appropriate measures.

Guideline 22

States should ensure the timely and effective enforcement of decisions in environmental matters taken by courts of law, and by administrative and other relevant bodies.

Guideline 23

States should provide adequate information to the public about the procedures operated by courts of law and other relevant bodies in relation to environmental issues.

Guideline 24

States should ensure that decisions relating to the environment taken by a court of law, or other independent and impartial or administrative body, are publicly available, as appropriate and in accordance with national law.

Guideline 25

States should, on a regular basis, promote appropriate capacity-building programmes in environmental law for judicial officers, other legal professionals and other relevant stakeholders.

Guideline 26

States should encourage the development and use of alternative dispute resolution mechanisms where these are appropriate.

B

Guidelines for the development of domestic legislation on liability, response action and compensation for damage caused by activities dangerous to the environment

The Governing Council,

Recalling Principle 13 of the Rio Declaration on Environment and Development,[12] which stipulates that States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage,

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12 *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex I.

Recognizing that the existence of national legislation on liability and compensation for environmental damage resulting from human activities has been largely recognized as a significant element for the protection of the environment,

Recalling section III of its decision 25/11 of 20 February 2009, entitled "Draft guidelines for the development of national legislation on liability, response action and compensation for damage caused by activities dangerous to the environment", in which it took note of the draft guidelines and requested the secretariat to carry out further work on the guidelines with a view to their adoption at its next special session,

Noting with appreciation the outcome of the intergovernmental meeting to review and further develop draft guidelines for the development of domestic legislation on liability, response action and compensation for damage caused by activities dangerous to the environment, held in Nairobi from 9 to 11 November 2009,

1. *Adopts* the guidelines for the development of domestic legislation on liability, response action and compensation for damage caused by activities dangerous to the environment, as set out in the annex to the present decision, and affirms that these guidelines are voluntary and do not set a precedent for the development of international law;

2. *Requests* the Executive Director to disseminate the guidelines to all countries;

3. *Invites* countries to provide comments on the draft commentary and annexes as contained in the note by the Executive Director on the result of further consultations between Governments following the intergovernmental meeting on the draft guidelines for the development of domestic legislation on liability, response action and compensation for damage caused by activities dangerous to the environment,[13] to enhance the quality of the draft commentary and annexes, with a view to their subsequent distribution;

4. *Also invites* countries to take the guidelines into consideration in the development or amendment of their national legislation related to liability, response action and compensation for damage caused by activities dangerous to the environment;

5. *Requests* the Executive Director to assist countries, upon their request and subject to the availability of resources, with the development or amendment of national legislation, policies and strategies on liability, response action and compensation for damage caused by activities dangerous to the environment;

6. *Also requests* the Executive Director to report on progress, including on the draft commentary and annexes as referred to above, through regular reporting on the implementation of the programme of work and budget.

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[13] UNEP/GCSS.XI/INF/6/Add.2.

Annex to decision SS.XI/5 B

Guidelines for the development of domestic legislation on liability, response action and compensation for damage caused by activities dangerous to the environment[14]

The purpose of the present guidelines is to highlight core issues that States will have to resolve should they choose to draft domestic laws and regulations on liability, response action and compensation for damage caused by activities dangerous to the environment. The guidelines discuss key elements for possible inclusion in any such domestic legislation and offer specific textual formulations for possible adoption by legislative drafters. It is envisaged that they will be of assistance to, in particular, developing countries and countries with economies in transition, in devising, as they deem appropriate, domestic legislation or policy on liability, response action and compensation.

Guideline 1: Objective

The objective of the present guidelines is to provide guidance to States regarding domestic rules on liability, response action and compensation for damage caused by activities dangerous to the environment, taking into account the "polluter pays" principle.

Guideline 2: Scope of application

1. The present guidelines apply to liability, response action and compensation for damage caused by activities dangerous to the environment.

2. They are not intended to apply to damage caused by activities dangerous to the environment that are covered by other domestic laws establishing special liability regimes or that principally relate to national defence, international security or natural disaster management.

Guideline 3: Definitions

1. The term "activity dangerous to the environment" means an activity or installation specifically defined under domestic law.

2. The term "damage" means:

(a) Loss of life or personal injury arising from environmental damage;

(b) Loss of or damage to property arising from environmental damage;

(c) Pure economic loss;

(d) Costs of reinstatement measures, limited to the costs of measures actually taken or to be undertaken;

(e) Costs of preventive measures, including any loss or damage caused by such measures;

(f) Environmental damage.

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[14] The present guidelines have been amended and revised on the basis of the discussions at the intergovernmental meeting to review and further develop draft guidelines for the development of domestic legislation on liability, response action and compensation for damage caused by activities dangerous to the environment, held in Nairobi from 9 to 11 November 2009.

3. The term "environmental damage" means an adverse or negative effect on the environment that:

(a) Is measurable taking into account scientifically established baselines recognized by a public authority that take into account any other human-induced variation and natural variation;

(b) Is significant, which is to be determined on the basis of factors such as:

(i) Long-term or permanent change, to be understood as change that may not be redressed through natural recovery within a reasonable period of time;

(ii) Extent of the qualitative or quantitative changes that adversely or negatively affect the environment;

(iii) Reduction or loss of the ability of the environment to provide goods and services, either of a permanent nature or on a temporary basis;

(iv) Extent of any adverse or negative effect or impact on human health;

(v) Aesthetic, scientific and recreational value of parks, wilderness areas and other lands.

4. The term "operator" means any person or persons, entity or entities in command or control of the activity, or any part thereof at the time of the incident.

5. The term "incident" means any occurrence or series of occurrences having the same origin that causes damage or creates a grave and imminent threat of damage.

6. The term "preventive measures" means any reasonable measures taken by any person in response to an incident to prevent, minimize or mitigate loss or damage, or to undertake environmental clean-up.

7. The term "pure economic loss" means loss of income, unaccompanied by personal injury or damage to property, directly deriving from an economic interest in any use of the environment and incurred as a result of environmental damage.

8. The term "reinstatement measures" means any reasonable measures aiming to assess, reinstate, remediate or restore damaged or destroyed components of the environment.

9. The term "response action" means preventive measures and reinstatement measures.

Guideline 4: Response action

1. Should an incident arise during an activity dangerous to the environment, the operator should take prompt and effective response action.

2. The operator should promptly notify the competent public authority of the incident and the response action planned or taken and its effectiveness or expected effectiveness.

3. The competent public authority should be entitled to obtain from the operator all relevant information related to the incident. It may also order the operator to take specific response action that it deems necessary.

4. If the operator fails to take response action or such action is unlikely to be effective or timely, the competent public authority may take such action itself or authorize a third party to take such action and recover the costs from the operator.

Guideline 5: Liability

1. The operator should be strictly liable for damage caused by activities dangerous to the environment.

2. Without prejudice to paragraph 1, any person should be liable for damage caused or contributed to by not complying with applicable statutory or regulatory requirements or through wrongful, intentional, reckless or negligent acts or omissions. A violation of a specific statutory obligation should be considered fault per se.

Guideline 6: Exoneration from liability

1. Without prejudice to additional exonerations provided for in domestic law, the operator should not be liable, or in the case of subparagraph (c) below not liable to the degree not apportioned to him or her, if the operator proves that the damage was caused:

(a) By an act of God or force majeure (caused by natural phenomena of an exceptional, inevitable and uncontrollable nature);

(b) By armed conflict, hostilities, civil war, insurrections or terrorist attacks;

(c) Wholly or in part by an act or omission by a third party, notwithstanding safety measures appropriate to the type of activity concerned but, in the case of claims for compensation, only if the damage caused was wholly the result of wrongful intentional conduct of a third party, including the person who suffered the damage;

(d) As a result of compliance with compulsory measures imposed by a competent public authority.

2. In relation to paragraph 4 of guideline 4, exonerations additional to those referred to in subparagraphs 1 (a)–(d) above or mitigating factors may include:

(a) That the activity was expressly authorized and fully in conformity with an authorization, given under domestic law, that allows the effect on the environment;

(b) That the damage was caused by an activity which was not likely to cause damage according to the state of scientific and technical knowledge at the time that the activity was carried out

3. The operator may be exonerated wholly or in part towards a claimant if the operator proves that the damage resulted from the claimant's act or omission done with intent to cause damage, or that the damage resulted wholly or in part from the claimant's negligence.

Guideline 7: Joint and several liability

In the event of multiple operators their liability should be joint and several, or apportioned, as appropriate.

Guideline 8: Claims for compensation

1. Any person or group of persons, including public authorities, should be entitled to claim compensation for loss of life or personal injury, loss of or damage to property and pure economic loss in consequence of the occurrence of damage caused by activities dangerous to the environment in addition to, where appropriate, the reimbursement of the costs of preventive measures and reinstatement measures.

2. Domestic law may allow claims for compensation for environmental damage.

Guideline 9: Other claims

1. Any person or group of persons should be entitled to seek response action by competent public authorities if neither the operator nor the competent public authorities concerned are taking prompt and effective measures to redress environmental damage, provided that the

person or group of persons has a sufficient interest or suffers the impairment of a right, if so required by domestic law.

2. Any person or group of persons within the meaning of paragraph 1 above should have the right to challenge in administrative or judicial proceedings the legality of any act or omission by private persons or public authorities that contravenes domestic laws or regulations relating to damage caused by activities dangerous to the environment.

3. Any person or group of persons sustaining damage should be entitled to any information directly relevant to the presentation of a claim for compensation from the operator or the competent public authority in possession of such information, unless such disclosure is specifically prohibited by law or violates the legally protected interests of third parties.

Guideline 10: Financial limits

1. Liability pursuant to guideline 5, paragraph 1, may be limited in accordance with criteria established under any applicable domestic classification scheme for activities dangerous to the environment.

2. Given that the operator might be unable to meet his or her liability or that actual damages might exceed the operator's limit of liability, domestic law may provide for closure of potential compensation gaps by way of special funding or collective compensation mechanisms.

3. There should be no financial limit on liability arising under guideline 5, paragraph 2.

Guideline 11: Financial guarantees

1. The operator should, taking into account the availability of financial guarantees, be encouraged or required to cover liability under guideline 5, paragraph 1, for amounts not less than the minimum specified by law for the type of activity dangerous to the environment concerned and should continue to cover such liability, during the period of the time limit of liability, by way of insurance, bonds or other financial guarantees.

2. The competent public authority should periodically review the availability of and the minimum limits for financial guarantees, taking into account the views of relevant stakeholders, including the specialized and general insurance industry.

Guideline 12: Time limits for presentation of claims

1. Domestic law should establish that claims for compensation are inadmissible unless they are brought within a certain period of time from the date the claimant knew or ought to have known of the damage and the identity of the operator. In addition, claims should be inadmissible unless they are brought within a certain period of time following the occurrence of the damage.

2. Where the damage-causing incident is a series of occurrences having the same origin, the time limits established under the present guideline should run from the last of such occurrences. Where the damage-causing incident consists of a continuous occurrence, such time limits should run from the end of that continuous occurrence.

Guideline 13: Claims with foreign elements: applicable law

1. Subject to domestic laws on jurisdiction and in the absence of special rules established by contract or international agreement, any claim for compensation that raises a choice-of-law issue should be decided in accordance with the law of the place in which the damage occurred, unless the claimant chooses to base the claim on the law of the country in which the event giving rise to the damage occurred.

2. The timing of the claimant's choice pursuant to paragraph 1 should be determined by the law of the forum.

Guideline 14: Classification of hazardous substances and activities or installations

1. Domestic law should provide for lists of hazardous substances and their threshold quantities, activities or installations dangerous to the environment, to make apparent the nature and scope of operators' risk of environmental liability and thereby strengthen the insurability of the risk of damage.

2. To enhance their effectiveness, such lists should be exhaustive rather than indicative and give due recognition to domestic priorities, in particular social and economic needs, environmental and public health sensitivities or other special circumstances.

SS.XI/6: Follow-up report on the environmental situation in the Gaza Strip

The Governing Council,

Recalling decision GCSS.VII/7 of 15 February 2002, on the environmental situation in the occupied Palestinian territories, and decision 25/12 of 20 February 2009, on the environmental situation in the Gaza Strip,

Having considered the report of the Executive Director on the environmental situation in the Gaza Strip,[15]

1. *Requests* the Executive Director to take the necessary measures, within the organization's mandate and available resources and in coordination with the relevant United Nations country team, to assist in the implementation of the recommendations contained in the report entitled "Environmental Assessment of the Gaza Strip following the escalation of hostilities in December 2008 – January 2009";

2. *Invites* Governments, United Nations system entities and international financial institutions to provide financial, technical and logistical support and assistance to ensure the success of the further work of the United Nations Environment Programme in the Gaza Strip.

SS.XI/7: Oceans

The Governing Council,

Recognizing that oceans and coasts provide valuable resources and services to support human populations, particularly coastal communities that depend heavily thereon, and that the sustainable use of marine and coastal resources will enhance global food security and contribute towards poverty reduction for present and future generations,

Concerned about marine and coastal ecosystems being affected by sea-level rise, increased water temperatures, ocean acidification, changing weather patterns, and other variations that may result from climate change, in addition to the decrease in fish stocks, and about how these changes may aggravate the existing pressures of marine and coastal environmental degradation and increase risks to global food security and human well-being, thereby affecting the attainment of the Millennium Development Goals and other internationally agreed development goals,

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[15] UNEP/GCSS.XI/9.

Expressing concern at the degradation of marine and coastal ecosystems, in particular the loss of their biodiversity and the continued threats to that biodiversity from land-based and sea-based pollution, the increase of hypoxic zones, the growth of harmful algal blooms and invasive alien species, the unsustainable use of marine and coastal resources, including the over-exploitation of fish stocks, the physical alteration of ecosystems, poor land-use planning and social and economic pressures,

Recalling the United Nations Convention on the Law of the Sea as the instrument that sets out the legal framework within which all activities pertaining to the oceans and seas must be carried out, the United Nations Framework Convention on Climate Change and its Kyoto Protocol, the Convention on Biological Diversity and the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and its 1996 Protocol,

Taking note of the work undertaken by the United Nations Environment Programme on oceans, especially through its regional seas programme and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,

Recalling the commitment made at the World Summit on Sustainable Development to encourage the application by 2010 of the ecosystem approach for the sustainable development of the oceans,

Welcoming the successful outcome of the World Ocean Conference, held in Manado, Indonesia, in May 2009, at which participants took up the issue of threats to the oceans, the adverse effects of climate change on the oceans and the role of oceans in climate change, and adopted the Manado Ocean Declaration,

Acknowledging the importance of achieving an overall long-term vision that ensures prosperous and healthy ocean and coastal environments providing for conservation, productivity and sustainable resource use,

1. *Requests* the Executive Director to strengthen further the work of the United Nations Environment Programme regarding the protection and sustainable management of marine and coastal ecosystems and to mainstream the United Nations Environment Programme marine and coastal strategy into the implementation of the programme of work and the medium-term strategy for the period 2010-2013, subject to availability of resources;

2. *Also requests* the Executive Director to extend United Nations Environment Programme cooperation and engagement with other relevant United Nations agencies to support the implementation of the Manado Ocean Declaration in tackling the current state of the world's oceans while contributing to improving human well-being, including promoting diversified sustainable livelihood options for coastal communities;

3. *Further requests* the Executive Director to support and enhance developing countries' capacity to manage marine and coastal ecosystems sustainably in the context of the Bali Strategic Plan for Technology Support and Capacity-building, and in line with the programme of work and budget;

4. *Urges* Governments to achieve the long-term conservation, management and sustainable use of marine resources and coastal habitats through the appropriate application of the precautionary and ecosystem approaches, and to implement long-term strategies in meeting internationally agreed sustainable development goals, including those contained in the United Nations Millennium Declaration[16] and those in the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island

[16] General Assembly resolution 55/2 of 8 September 2000.

Developing States[17] that are related to the marine environment, and in so doing strengthen global partnerships for development;

5. *Invites* Governments to develop and implement national strategies for the sustainable management of marine and coastal ecosystems, in line with national adaptation and sustainable development strategies, in particular for mangroves, coastal wetlands, seagrasses, estuaries and coral reefs, which deliver valuable ecosystem goods and services as protective and productive buffer zones that have significant potential to combat the adverse effects of climate change;

6. *Calls upon* Governments to reduce the land-based and sea-based pollution of ocean and coastal areas, including marine waste, and to promote the sustainable management of fisheries, in accordance with relevant international agreements and codes of conduct to enhance the health and resilience of marine and coastal ecosystems;

7. *Calls upon* Governments, international organizations and oceanographic institutions and other research and development agencies to enhance and promote research, systematic observation, knowledge management, capacity-building, information and data exchange related to vulnerability and risk assessment of climate change impacts on marine ecosystems, communities, fisheries and other marine-related industries; emergency preparedness, monitoring and forecasting climate change and ocean variability; and improving public awareness of early-warning system capacity;

8. *Invites* Governments and international and regional financial institutions to make coordinated efforts to support developing countries in implementing marine and coastal initiatives, including within the United Nations Environment Programme, at the national, regional and global levels;

9. *Requests* the Executive Director to report, insofar as available resources permit it, on the activities undertaken by the United Nations Environment Programme to implement the present decision to the Governing Council/Global Ministerial Environment Forum at its twenty-sixth session.

SS.XI/8: Consultative process on financing options for chemicals and wastes

The Governing Council,

Recognizing the need for heightened efforts to increase the political priority accorded to the sound management of chemicals and wastes and the increased need for sustainable, predictable, adequate and accessible financing for the chemicals and wastes agenda,

Also recognizing the need to look at the sound management of chemicals and wastes not only as a financial burden but also as a possible pathway to the generation of economic growth,

Recalling the proposal by the Executive Director that a consultative meeting of Governments and other stakeholders should be held prior to and in preparation for the eleventh special session of the United Nations Environment Programme Governing Council/Global Ministerial Environment Forum and the planned simultaneous extraordinary meetings of the conferences of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the

[17] *Report of the International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, Port Louis, Mauritius, 10–14 January 2005* (United Nations publication, Sales No. E.05.II.A.4 and corrigendum), chap. I, resolution 1, annex II.

Stockholm Convention on Persistent Organic Pollutants with the purpose of analysing the current state of affairs and devising strategic, synergistic proposals on financing chemicals management,[18]

Highlighting the positive effects of synergistic initiatives among the conventions related to chemicals and wastes, the Strategic Approach to International Chemicals Management and the United Nations Environment Programme,

Stressing the relevance for the development of capacities and the transfer of technology regarding chemicals and wastes-related issues of the regional and subregional centres of the Basel and Stockholm conventions and the regional offices of the United Nations Environment Programme,

Recalling the need to address the chemicals and wastes agendas in the broader context of sustainable development and the achievement of the Millennium Development Goals, including by linking them to public health, poverty reduction and creation of economic opportunities,

1. *Welcomes* the establishment of a consultative process on financing options for chemicals and wastes and the work carried out by the United Nations Environment Programme to date in this regard;

2. *Reminds* the Secretariat, in order to enhance the effective participation of invited parties and stakeholders in the discussions, to distribute all necessary documents relevant to the consultative process in a reasonable time and in any event no less than five weeks prior to any future meeting related to this process held under the auspices of the United Nations Environment Programme;

3. *Takes note* of the preliminary findings set out in the desk study on financing options for chemicals and wastes;[19]

4. *Requests* the Executive Director to continue leading the consultative process and suggests drawing more on the experience of the multilateral environmental agreements and the work of the International Conference on Chemicals Management, the Global Environment Facility, the United Nations Development Programme, the World Bank and other relevant organizations;

5. *Also requests* the Executive Director, in preparing documents for the next stage of the consultative process, to ensure that the comments and the contributions of Governments, in particular participating invited parties and stakeholders at the second meeting of the consultative process on financing options for chemicals and wastes, held in 2009 in Bangkok, are incorporated into a revised version of the note by the Executive Director on financing the chemicals and wastes agenda[20] and into the action-oriented summary of policy options for financing chemicals and wastes;[21]

6. *Recommends* that the consultative process should consider, among other things, the financial challenges faced by developing countries and countries with economies in transition to implement their chemicals and wastes agendas effectively;

7. *Requests* the Executive Director to report on the progress made and the direction of the consultative process on financing options for chemicals and wastes to relevant intergovernmental processes, including to the conferences of the parties to the Basel, Rotterdam and Stockholm conventions at their meetings in 2011; to the Commission on Sustainable

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18 UNEP/POPS/COP.4/38, para. 193.

19 UNEP/GCSS.XI/INF/8.

20 UNEP/GCSS.XI/INF/8/Add.1.

21 Ibid.

Development at its nineteenth session, in 2011; to participants in the preparatory meetings for the third session of the International Conference on Chemicals Management; and to the governing bodies of the Global Environment Facility, with the aim of providing a final report for consideration by the Governing Council/Global Ministerial Environment Forum at its twelfth special session, in 2012, and of achieving possible decisions at the third session of the International Conference on Chemicals Management, in 2012, and at the twenty-seventh session of the Governing Council/Global Ministerial Environment Forum, in 2013;

8. *Also requests* the Executive Director, in collaboration with relevant partners, to launch initiatives to raise awareness of the importance of the sound management of chemicals and wastes, using various avenues, including the media and key international opportunities such as intergovernmental meetings and public events at both the national and international levels;

9. *Invites* Governments and other interested parties, including the private sector, to provide financial and in-kind support to this process and to awareness-raising initiatives;

10. *Requests* the Executive Director to report to the Governing Council/Global Ministerial Environment Forum at its twenty-sixth session on the implementation of the present decision.

SS.XI/9: Nusa Dua Declaration

The Governing Council

Adopts the Declaration, as below:

Nusa Dua Declaration

1. We, the ministers and heads of delegation of the United Nations Environment Programme Global Ministerial Environment Forum, met in Bali, Indonesia, from 24 to 26 February 2010, for the eleventh special session of the Governing Council/Global Ministerial Environment Forum, celebrating 10 years since the Malmö Ministerial Declaration of 2000.[22]

2. We are deeply concerned that our planet is confronted by climate change and other environmental and development crises. Current environmental challenges depend on global partnerships for solutions and represent opportunities for individuals, local communities and businesses and for international cooperation.

3. We remain committed to strengthening the role of the United Nations Environment Programme as the leading global environmental authority that sets the global environmental agenda, that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system, and that serves as an authoritative advocate for the global environment, as set out in the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme of 1997.[23]

A. Climate change

4. We recognize the scientific view as documented by the Intergovernmental Panel on Climate Change in its fourth assessment report that deep cuts in global emissions are required to hold the increase in global temperatures below 2° C, and in this regard we reaffirm the importance of tackling climate change issues in accordance with the principle of common but differentiated

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22 Governing Council decision SS.VI/1, annex.

23 Governing Council decision 19/1, annex. Adoption by the General Assembly: *Official Records of the General Assembly; Fifty-second Session, Supplement No. 25 (A/52/25), chap. IV, annex.*

responsibilities and respective capabilities and our determination to engage in efforts towards the resolution of such issues through enhanced international cooperation.

5. In this context, we welcome decision 1/CP.15 of the Conference of the Parties to the United Nations Framework Convention on Climate Change, by which the parties decided to extend the mandate of the Ad Hoc Working Group on Long-term Cooperative Action; decision 1/CMP.5 of the Meeting of the Parties to the Kyoto Protocol, by which the parties requested the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol to continue its work; and decision 2/CP.15, by which the parties took note of the Copenhagen Accord of 18 December 2009.

6. We reaffirm our commitment to the United Nations Framework Convention on Climate Change process and our commitment to work constructively towards a comprehensive agreed outcome within this process by the end of 2010.

B. Sustainable development

7. We welcome the decision to organize the United Nations Conference on Sustainable Development in 2012. We support and encourage the active and effective participation of the United Nations Environment Programme in the preparatory process for the Conference on Sustainable Development as called for in General Assembly resolution 64/236 of 24 December 2009, and the full and effective contribution of the United Nations Environment Programme to the programme of work outlined for the eighteenth and nineteenth sessions of the Commission on Sustainable Development.

C. International environmental governance and sustainable development

8. We note that the current international environmental governance architecture has many institutions and instruments and has become complex and fragmented. It is therefore sometimes not as effective and efficient as it should be. We commit ourselves to further efforts to make it more effective.

9. We appreciate the work of the consultative group of ministers or high-level representatives in presenting a set of options for improving international environmental governance and welcome the establishment of a process to be led by ministers or their high-level representatives to address international environmental governance reforms further. In this regard, we will send the outcomes of this work to the President of the General Assembly and as a contribution to the preparatory committee of the Conference on Sustainable Development.

10. We welcome the activities undertaken by the United Nations Environment Programme and the secretariats of the multilateral environmental agreements, at the behest of the parties to those agreements, in particular the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, to enhance cooperation and coordination between the three conventions and to support Governments in their efforts to implement, comply with and enforce the multilateral environmental agreements.

11. We also welcome the outcome of the simultaneous extraordinary meetings of the conferences of the parties to the Basel, Rotterdam and Stockholm conventions, and we appreciate the consultative process on financing options for chemicals and wastes and support further efforts through the United Nations Environment Programme to continue these discussions.

12. We recognize the importance of enhancing synergies between the biodiversity-related conventions, without prejudice to their specific objectives, and encourage the conferences of the

parties to the biodiversity-related multilateral environmental agreements to consider strengthening efforts in this regard, taking into account relevant experiences.

D. Green economy

13. We acknowledge that the advancement of the concept of a green economy in the context of sustainable development and poverty eradication can significantly address current challenges and deliver economic development opportunities and multiple benefits for all nations. We also acknowledge the important leading role of the United Nations Environment Programme in discussions on further defining and promoting the concept of a green economy. We encourage the Executive Director to contribute this work to the preparatory committee for the Conference on Sustainable Development and to convey the lessons already learned by the United Nations Environment Programme in this effort.

14. We urge the Executive Director to implement fully the Bali Strategic Plan for Technology Support and Capacity-building and invite all other relevant organizations to mainstream the plan in their overall activities, to enable developing countries and countries with economies in transition to benefit fully from the achievements of its objectives and the advancement of the concept of a green economy.

E. Biodiversity and ecosystems

15. We acknowledge that biodiversity is at the core of human existence; it is threatened by rapid global change and is under pressure from ecosystem degradation and change.

16. We recognize that the International Year of Biodiversity in 2010 presents a unique opportunity to tackle biodiversity loss and to raise public awareness for achieving the three objectives of the Convention on Biological Diversity and the 2010 biodiversity target, and also to reinforce the importance of promoting actions at national, regional and international levels for achieving the three objectives and the target.

17. We are committed to finalizing deliberations on improving the science-policy interface for biodiversity and ecosystem services in 2010 and in so doing negotiating and reaching agreement on whether to establish an intergovernmental science-policy platform on biodiversity and ecosystem services. We also welcome the commitment made by the parties to the Convention on Biological Diversity to finalize an international regime on access and benefit-sharing in 2010 in accordance with decision IX/12 of the Conference of the Parties to the Convention.

18. We also encourage the United Nations Environment Programme to continue to play a leadership role in advancing understanding of the economics of biodiversity and ecosystems services and its policy implications, through the study "The economics of ecosystems and biodiversity".

19. We encourage and support efforts by the United Nations Environment Programme to contribute to the high-level meeting on biodiversity at the sixty-fifth session of the General Assembly in 2010, as a contribution to the International Year of Biodiversity, and to the high-level plenary meeting of the sixty-fifth session of the General Assembly in 2010 to review progress towards attaining the Millennium Development Goals, in particular in relation to environmental goals and targets, and towards ensuring environmental sustainability in poverty eradication.

Annex II

President's summary of the discussions by ministers and other heads of delegations at the eleventh special session of the UNEP Governing Council/Global Ministerial Environment Forum

Introduction

1. The United Nations Environment Programme (UNEP) Governing Council/Global Ministerial Environment Forum is the United Nations high-level environment policy forum. It brings the world's environment ministers together to review important and emerging policy issues in the field and provides broad policy advice and guidance with the aim, among others, of promoting international cooperation on environmental matters.

2. The eleventh special session of the Council/Forum took place from 24 to 26 February 2010 in Bali, Indonesia. During its high-level segment, participants from 125 countries, including 60 at the ministerial level, along with participants from 16 United Nations organizations and 9 intergovernmental organizations and 31 representatives of major groups and stakeholders, considered the following three topics under the overarching theme of "Environment in the multilateral system":

(a) International environmental governance and sustainable development;

(b) Green economy;

(c) Biodiversity and ecosystems.

3. The high-level segment took the form of ministerial consultations, divided into three sessions, to explore the three topics set out above. Each session had a different structure: session 1, a keynote session, on international environmental governance and sustainable development, was a plenary meeting; session 2, on a green economy, comprised five parallel round-table discussions; and session 3, on biodiversity and ecosystems, also a keynote session, was a plenary meeting. For sessions 1 and 3, ministers provided a keynote address. Session three was moderated by a minister, while a rapporteur recorded the discussions.

4. During session 2, each of the five round-table discussions was co-chaired by two ministers or high-level delegates, with a third participant acting as moderator. The moderators were requested to guide the discussions towards the identification of challenges and opportunities in each subject area and to develop clear messages to Governments, the United Nations system, the private sector and civil society.

5. In addition, the ministerial consultations were complemented by a ministerial breakfast round-table discussion on UNEP and the eighteenth session of the Commission on Sustainable Development.

6. All sessions had the benefit of interventions by participants from major groups and stakeholders.

7. The consultations were informed by four thought-provoking background papers prepared as briefings for the participants and the outcomes of two pre-session events: the simultaneous extraordinary meetings of the conferences of the parties to the Basel, Rotterdam and Stockholm conventions and the eleventh Global Major Groups and Stakeholders Forum.

8. Ministers and high-level delegates also reflected on the past 12 months, during which time the global environmental community had prepared for the fifteenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Copenhagen in

December 2009, and on its outcome. While that meeting had resulted in progress in some areas it had not met all expectations. The attention of Governments and the international community had since been focused on developing the Copenhagen outcome and mapping out the way forward in terms of efforts to combat climate change. Against that backdrop, they also discussed the Intergovernmental Panel on Climate Change in an informal session.

9. Ministers and high-level delegates also considered the International Year of Biodiversity and the preparations for the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity, to be held in October 2010 in Nagoya, Japan.

10. In addition to the present President's summary, the Nusa Dua Declaration was negotiated and adopted by representatives.

11. The present President's summary identifies some of the main challenges and opportunities that were discussed by ministers and high-level delegates with regard to each main theme, together with clear messages to the world's Governments, the United Nations system, civil society and the private sector.

12. The President's summary is a reflection of the interactive dialogue that occurred between the ministers and other heads of delegations attending the eleventh special session of the Council/Forum. It reflects the ideas presented and discussed rather than a consensus view of participants.

I. Theme I: "International environmental governance and sustainable development"

A. Major points of discussion

13. Building upon discussions in 2009, ministers and high-level delegates reaffirmed the need to reform the international environmental governance system to reflect changing circumstances and the proliferation of growing environmental and development challenges currently facing the world. They strongly welcomed the work of the consultative group of ministers and high-level representatives established under decision 25/4 and said that its outcome document, the set of options, was an important basis for immediately embarking upon incremental reforms and the concurrent consideration of broader reforms.

14. The nexus between environmental change and development was stressed and it was said that there was a need to consider the reform of international environmental governance within a sustainable development context. General agreement was voiced that incremental reforms falling within the existing mandate of UNEP should be embarked upon immediately while options for broader reforms were considered. The idea that form should follow function was overwhelmingly embraced as the way forward in considering international environmental governance.

15. The simultaneous extraordinary meetings of the conferences of the parties to the Basel, Rotterdam and Stockholm conventions, held prior to the special session, were considered to constitute a crucial milestone in the international environmental governance reform process. In addition, a ministerial lunch on chemicals management, hosted by the Governments of Indonesia and Switzerland, allowed for a better understanding of the synergies process, and it was seen as a significant contribution to the preparations for the United Nations Conference on Sustainable Development, or what has been termed "Rio + 20" in reference to the twentieth anniversary of the 1992 United Nations Conference on Environment and Development, in 2012.

B. Challenges: "Surprising how far the environment and development agendas are apart – the issues must be brought together and considered as one"

16. There was broad agreement that the environment pillar was weak in comparison to the economic and social pillars of sustainable development and thus needed substantial strengthening to keep environment in step with economic and social development. While many good laws and policies existed, their effective implementation was often hampered by a lack of financing and capacity, particularly in developing countries.

17. Ministers and high-level delegates said that the current process of international environmental governance reform should include broad stakeholder participation, which could bring fresh ideas to the debate and facilitate a more equitable and sustainable governance system in the long term.

C. Opportunities

18. Ministers and high-level delegates observed that the incremental reforms listed in the set of options on the reform of international governance prepared by the consultative group of ministers or high-level delegates provided an important first step in the reform process and should be realized as soon as possible. An important step would be the development by UNEP, in collaboration with the United Nations System Chief Executives Board for Coordination and the United Nations Development Group, of a system-wide environment strategy.

19. They said that the Conference on Sustainable Development could provide an excellent opportunity and framework for changing the current international environmental governance system. A road map should be designed to provide for a focused process and UNEP should facilitate the continuation of the consultative group to provide input to the preparatory process.

20. It was said that the synergies process for the chemicals and wastes conventions provided an important example of incremental reforms and that the lessons learned should be used swiftly for other conventions, in particular for those related to biodiversity. The Conference of the Parties to the Convention on Biological Diversity could use the occasion of its tenth meeting to initiate a synergies process for those conventions. It was also said that the replenishment of the Global Environment Facility (GEF) provided an opportune moment for bringing coherence to the environmental financing system. GEF funding should be enhanced and the position of UNEP within it strengthened.

21. It was suggested that broader reform of the international environmental governance system could include the establishment of a specialized agency, a world environment organization, or the integration of UNEP, GEF and all multilateral environmental agreements into an umbrella organization.

22. It was also said that UNEP, as the leading authority on the environment within the United Nations system, should be strengthened and its central role in the system maintained.

D. Messages on international environmental governance

23. The key messages devised by ministers and high-level delegates were that:

(a) The current system of international environmental governance is too costly, too fragmented, too time-consuming and inefficient. Reform must begin now. There must be more delivery and less administration;

(b) There was general consensus welcoming the report of the consultative group, with some recommending its adoption;

(c) The synergies process is an important step in incremental reforms, but it is only part of it and more is needed;

(d) The further work of the consultative group should provide input to the nineteenth session of the Commission on Sustainable Development and be fully utilized to make bold reforms to the international environmental governance process;

(e) UNEP should be strengthened vis-à-vis forums where economic decision-making occurs, such as the Group of 20 and the World Trade Organization;

(f) The time is ripe to convert dialogue into specific actions.

II. Theme II: "Green economy"

A. Major points of discussion

24. Ministers and high-level delegates suggested that the current multiple global crises provided an opportunity to explore alternative development strategies and that the Green Economy Initiative had been mounted in an endeavour to articulate such strategies. They pointed out that a green economy required the shaping and focusing of policies and investments in areas such as clean and efficient technologies; renewable energy; green buildings; water services; green transport; wastes and chemicals management; sustainable agriculture and forestry; tourism; and ecosystem restoration.

25. The key messages devised were that:

(a) A green economy is the right way towards a stronger, cleaner and fairer world economy;

(b) Prohibition of action alone does not work.

1. "A green economy is the right way towards a stronger, cleaner and fairer world economy"

26. A green economy is a prerequisite for a more stable economic foundation that is better able to meet food and energy needs while preserving the environment. It should support and not replace the social, economic and environmental pillars of sustainable development. It should embrace both the development and environment agendas.

2. "Prohibition of action alone does not work"

27. Ministers and high-level delegates said that climate negotiations, for example, had been focusing on costs and burden-sharing, whereas the green economy focused on social and economic opportunities arising from environmental actions. Mainstreaming the environment into the economy was a win-win approach that provided a positive element for environmental negotiations. They stressed that a massive communication effort was needed to highlight the pro-growth, pro-poor and pro-environment nature of green economies.

B. Challenges

28. The key messages devised were that:

(a) Business as usual is no longer an option;

(b) Change of behaviour is never easy.

1. "Business as usual is no longer an option"

29. Ministers and high-level delegates said that threats to ecosystem services were accelerating. A major challenge was to decouple growth from unsustainable resource use and environmental damage. They stressed that different understandings of a green economy required harmonization. A green economy was a process that could accommodate a large number of related activities. Exactly how the transition to a green economy was to be achieved at the national level and what policies were most effective, however, remained unclear.

30. They noted that traditional industries, such as oil and gas, faced the challenge of how to reduce environmental impacts while maintaining trade competitiveness and benefiting from necessary environmental actions. In addition, as a result of resource constraints and persistent poverty, some countries had limited scope and time to develop green economic sectors. They suggested that public funds were indispensable to kick-start the move to a green economy. The potential offered by such funds, however, would remain small compared to that of private funding; how to leverage private funding for a green economy was therefore an important challenge.

31. Ministers and high-level delegates observed that wide gaps existed between developed and developing countries in terms of human capacity and financing, and countries with economies in transition in terms of technology, and policy implementation. In addition, the limited capacity of developing countries in the area of statistics was impeding the use of indicators to measure the progress of green economies in those countries. Many green technologies existed, but their large-scale commercialization was proving to be a challenge. Accordingly, there was a need to understand existing market and policy barriers to restructuring the economy.

2. "Change of behaviour is never easy"

32. Ministers and high-level delegates stated that policy reforms, such as green taxation and the removal of perverse subsidies, were needed to send the correct market signals for the move to a green economy, but they would not be painless. There were vested interests opposed to reforms. It was further stressed, however, that the needs of the poor must be taken into account fully when designing and implementing policy reforms.

33. In many countries there remained a lack of awareness of environmental values. Some countries were concerned that trade-offs would be necessary between the promotion of a green economy and the alleviation of such pressing problems as poverty, food insecurity, underdevelopment, climate change and biodiversity loss.

34. Ministers and high-level delegates observed that many green economy discussions had focused on climate issues, while biodiversity had received less attention. Markets for renewable energy and energy-efficient technologies existed, but it was difficult to establish similar markets for biodiversity.

C. Opportunities

35. Ministers and high-level delegates said that the UNEP-led Green Economy Initiative had already raised awareness among many government leaders of the need to move to a green economy. There was widespread national-level support for the concept of a green economy and recognition of the links between green jobs and a green economy. Many countries had the will to move to a green economy and some were already making commitments and implementing elements of a green economy.

36. The following key opportunities were identified:

(a) A green economy holds the potential for not only reducing emissions and other environmental impacts, but also for nurturing green technologies, markets and innovations. It not only creates decent jobs, but also safeguards the environment;

(b) A green economy is not only or primarily a solution to the financial and economic crisis, but also a vehicle for contributing to sustainable development and the achievement of the Millennium Development Goals over the medium and long term.

1. "A green economy holds the potential for not only reducing emissions and other environmental impacts, but also for nurturing green technologies, markets and innovations. It not only creates decent jobs, but also safeguards the environment"

37. Ministers and high-level delegates said that examples of green economies already existed, although information about them remained largely anecdotal and had yet to be collected and assessed systematically. Land-use policies, for example, were particularly effective in ensuring sustainable activities in rural areas, including land recovery and reforestation, which were important for addressing environmental change and reducing human vulnerability to pressures such as desertification. Similarly, social housing programmes held potential for resolving social issues, providing rural access to clean and modern energy and meeting carbon emissions targets.

38. They declared that there was already a growing market for sustainably produced environmental goods and services. Standards and certification and labelling schemes were providing incentives to trade in these goods and services, such as solar and wind technologies.

2. "A green economy is not only or primarily a solution to the financial and economic crisis, but also a vehicle for contributing to sustainable development and the achievement of the Millennium Development Goals over the medium and long term"

39. Ministers and high-level delegates said that the current two-year cycle of the Commission on Sustainable Development offered an opportunity to promote a green economy in the context of chemicals, wastes, transport, mining and sustainable consumption and production.

D. Messages on the green economy: "Fast movers on a green economy are likely to become a new group of developed countries and those who move slowly will be the new under-developed"

40. Ministers and high-level delegates said that the United Nations system and regional institutions should harmonize and coordinate relevant initiatives, concepts and processes such as green industry, green growth, low-carbon economy, the Marrakech Process and the International Panel for Sustainable Resource Management. There was a need to define more precisely the components that underpin the green economy, for example, taxation, markets, role of finance and technology, although a common definition might be difficult to achieve given the diverse circumstances of countries.

41. In addition, there was a need to develop basic criteria to verify what was truly green. There was no "one size fits all", but relevant indicators and indexes, including for the quality of jobs created in green sectors and women's participation, were needed for independent monitoring of the progress on a green economy. Such criteria should not be based only on economic considerations. The full impacts of green economy policies should be assessed, including risks to workers and biodiversity. Sustainable livelihoods should be part of the definition of a green economy.

42. Economic arguments for a green economy were important, but human society's basic value systems, including a sense of justice and contributions to the Millennium Development Goals, must also be included in the green economy concept. Education and awareness-raising to stimulate

demand for a green economy, based on local values, traditions and codes of ethics were indispensable for motivating urgent actions before natural resources were exhausted.

43. UNEP should organize its green economy advisory services by following the Bali Strategic Plan for Technology Support and Capacity-building. It should compile and disseminate international experiences, examples of success stories, best practices, model regulations and legislation and applicable tools, accompanied by training for various sectors, so as to empower countries to take their own green economy initiatives. UNEP should host a policy forum for regular discussions on the green economy, including green investment summits and technical workshops.

44. UNEP and its partners should add value to international coordination at the national level by enhancing the institutional capacity of developing countries and countries with economies in transition to enable their ministers of environment to discuss the green economy with their counterparts in economic and finance ministries. They should help countries to develop green economy plans and initiate actions on the ground. Toolkits should be adaptable to the country situation and green economy strategies should be designed based on prior scientific assessments.

45. In providing advisory services to countries, UNEP and its partners should take into account various needs, challenges and circumstances specific to each country's respective strengths and weaknesses and local values and cultures. Special attention should be paid to supporting small, less-developed countries in safeguarding natural resources and building a green economy.

46. The transformative change sought by the Green Economy Initiative required the political will of Governments, which often rested upon the consensus and full participation of all relevant ministries, businesses, industrial associations, workers, trade unions, employers, civil society, non-governmental organizations, indigenous communities and women in the design of green economy strategies and policies, including local solutions.

47. Countries could not achieve green economies in isolation. They needed international cooperation, including South-South and North-South cooperation, regional cooperation and public-private partnerships in the areas of scientific research and technological innovations. Developed countries should provide financial support to developing countries' green economy efforts.

48. Countries should focus their green economy strategy on areas in which they had a comparative advantage and where there was a clear potential to create high-quality jobs.

49. A basket of policies and measures was required to enable the transition to a green economy. They included, among others, environmental regulations standards, reform of perverse subsidies, ecosystem valuation, environmental taxation and pricing, investment policies, support for research and development, technology transfer and cooperation, green consumption, government procurement and transitional arrangements for workers affected by the move to a green economy. All public policies should contribute to, or at least not work against, the building of a green economy.

50. Adjustments to domestic policies alone would not enable a move to a green economy. International environmental standards and international legislation on patents, trade and investment conceived with the green economy in mind could provide impetus to the development of a green economy. Aid conditionalities should also be considered to allow space for countries to implement policies in support of the move to a green economy.

51. Summaries of each round table can be found in document UNEP/GCSS.XI/INF/11.

III. Theme III: "Biodiversity and ecosystems"

A. Major points of discussion: "The human species must be at the centre of finding solutions"

52. Ministers and high-level delegates said that the International Year of Biodiversity provided an excellent opportunity for the world's Governments to recommit themselves to reversing biodiversity loss. Economic instruments were of particular interest to member States, along with the interface between science and policy and between science and traditional knowledge. In their consultation on biodiversity and ecosystems, they focused on the economic valuation of biodiversity through various initiatives and instruments, such as the study entitled "The economics of ecosystems and biodiversity" (referred to as "TEEB"), reducing emissions from deforestation and forest degradation (known as "REDD" or "REDD-plus") and the intergovernmental science-policy platform on biodiversity and ecosystem services.

53. They noted that the forthcoming tenth meeting of the Conference of the Parties to the Convention on Biological Diversity could provide an opportunity to raise awareness and develop synergies between multilateral environmental agreements, without prejudice to their individual objectives. Representatives at that meeting should also finalize and adopt a regime on access and benefit-sharing and post-2010 targets for biodiversity. They also noted that the discussions on post-2010 targets shared many common properties.

B. Challenges: "Human activity is responsible for biodiversity loss"

54. Population growth and associated demands on food, water and other resources, the move from natural to built environments and unsustainable economic development, contributed to biodiversity loss. The impacts on mountain ecosystems in particular were highlighted. Some ministers and high-level delegates also noted that internal and external drivers contributed to biodiversity loss. They acknowledged, however, that understanding of those drivers remained incomplete.

55. Ministers and high-level delegates said that it was necessary to halt biodiversity loss, lest the vulnerability of ecosystems and human well-being to natural disasters was increased. A major challenge was to improve the living conditions of the poor while enhancing agricultural systems and their resilience.

56. Another significant challenge lay in how to place an economic value on biodiversity. It must be recognized that biodiversity loss equated to economic loss. Ministers and high-level delegates highlighted what they said was a need to develop toolkits for valuing biodiversity and mainstreaming it into the green economy.

57. They observed that illegal trade and logging activities had led to significant ecosystem damage and therefore considerable economic loss. The global community needed to find ways to prevent such activities.

58. They conceded that the knowledge base required to deal with biodiversity loss was incomplete. There were gaps, in particular, in the information required for the social, environmental and ecological indicators required to redefine the calculation of gross domestic product, the impact of climate change on the rate of biodiversity loss, the impact of perverse subsidy systems and the social and economic aspects of sustainable use of biodiversity, especially in agriculture.

C. Opportunities: "Today's environment is tomorrow's economy"

59. Ministers and high-level delegates expressed the view that the International Year of Biodiversity provided an excellent opportunity for the world to take action to reverse the decline in the state of environmental and natural resources, including biodiversity, and to build synergies between the various multilateral environmental agreements. It could also be used as an incentive to promote the use of existing conservation measures, such as the establishment of protected areas and the implementation of ecosystem-based adaptation and mitigation, and to make use of mechanisms, such as REDD-plus, to create a win-win situation for stakeholders seeking to prevent biodiversity loss.

60. Ministers and high-level delegates pointed out the existence of opportunities to demystify biodiversity concepts, to raise public awareness of the post-2010 targets and to change behaviour and consumption patterns, with the ultimate aim of contributing to the halt of biodiversity loss. Awareness-raising should occur at various levels and should focus in particular on politicians and decision makers.

61. During their discussions, ministers and high-level delegates reiterated the view that there was a gap between policy and science that urgently needed to be bridged, in particular through an agreement on an intergovernmental platform on biodiversity and ecosystem services. Such a platform would build on the Millennium Ecosystem Assessment, TEEB and *The Stern Review on the Economics of Climate Change*.

62. They stressed that the economic value of biodiversity must be integrated into national economic policies and should be accorded priority in national climate-change strategies. That would require building capacity and enhancing regional cooperation. Integrating the value of biodiversity into economic policies would enable it to be used sustainably and give businesses the opportunity to invest in the green economy. To accomplish this, however, there was a need to look at new economic models, create an enabling environment for the right kind of investments and encourage new innovative funding sources and novel thinking on trade.

D. Messages on biodiversity and ecosystems: "2010 must be all about action"

63. Ministers and high-level delegates said that the General Assembly at its sixty-fifth session, the conferences of the parties to the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change in 2010 should be used to develop synergies between these and other conventions. The events of the International Year of Biodiversity could be used in preparation for the Conference on Sustainable Development and to measure progress towards attaining the Millennium Development Goals.

64. The celebration of the International Year of Biodiversity and the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity in 2010 provided an opportunity to conclude discussions on whether to establish an intergovernmental platform on biodiversity and ecosystem services. The Nagoya meeting should also be seen as an opportunity to conclude discussions on an international regime on access and benefit-sharing.

65. The post-2010 targets should be realistic, focused, measureable and verifiable, and should be agreed upon at the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity.

IV. Ministerial breakfast on UNEP and the Commission on Sustainable Development

A. Major points of discussion

66. Ministers and high-level delegates recalled that the areas of focus in the current cycle of the Commission on Sustainable Development (chemicals; wastes; transport; mining; and sustainable consumption and production) were closely aligned to a number of areas (resource efficiency; chemicals and wastes management; ecosystem management; climate change; etc.) that were UNEP priority areas and areas in which UNEP had extensive experience and capacity. In the light of that close alignment, they agreed that UNEP should contribute to the work of the Commission in a proactive manner.

67. Noting that the environment was central to many issues in the Commission's current cycle and that ministers of environment were expected to be extremely active during the cycle, ministers and high-level delegates highlighted the importance to a successful outcome of ensuring that ministers from all other relevant sectors (e.g., transport; mining; industry; and trade) were also actively engaged.

68. They also said that the topics of the Commission's eighteenth and nineteenth sessions should be considered within the overarching theme of the green economy and promoting resource efficiency.

B. Challenges: "Without changing consumption patterns, we cannot achieve environmental goals"

69. In identifying the key challenges, ministers and high-level delegates said that there was a need for a paradigm shift, arguing that business as usual could not continue and that the way in which people related to nature must change. Education and awareness-raising were key components in efforts to bring about that change.

70. They observed that the themes being discussed during the Commission's current cycle represented significant national challenges, namely:

(a) *Chemicals*: chemical use could have negative impacts on soil, food, water resources and human health. Those risks notwithstanding, the sound management of chemicals had not been a priority for many developing countries. They also noted that the risk associated with the use of chemicals in products was an important issue that should be discussed during the forthcoming cycle;

(b) *Wastes*: wastes management posed a serious global challenge. In addition, in many countries the informal waste sector involved risks to scavengers' health and well-being. It was not the number of people that mattered, but the volume of wastes generated per capita. That implied that small countries could benefit more from joint regional projects supported by a stronger UNEP presence at that level;

(c) *Transport*: pollution, including greenhouse-gas emissions, from modern transportation systems posed significant risks to the environment;

(d) *Mining*: several challenges associated with the mining sector, including the use of hazardous chemicals, the generation of wastes during production processes and the pressure from mines on national parks, wetlands, rainforests and indigenous lands, posed great risks to the environment;

(e) *Sustainable consumption and production*: sustainable public procurement and national sustainable consumption and production programmes were important areas for Governments but Governments alone could not make the necessary changes. It was therefore crucial for Governments to work with the private sector and civil society.

71. Ministers and high-level delegates also pointed out that the challenges encountered under the themes and sectors above were not only environmental but also social and economic in nature.

C. Opportunities: "We must change mindsets so that when we see waste we see wealth"

72. Ministers and high-level delegates remarked that the 10-year Framework of Programmes on sustainable consumption and production under the Marrakech Process provided an opportunity for UNEP to scale up activities in which it had been engaged over the years. It was necessary to assess achievements thus far honestly and to bring practical examples of effective programmes and policies into those forums that were developing new policies.

73. In the view of ministers and high-level delegates, the Conference on Sustainable Development provided a unique opportunity to seek convergence on the issues of constructing a green economy and achieving sustainable consumption and production. They said that it should also be used to develop the institutional framework for sustainable development. From the themes of the current cycle of the Commission on Sustainable Development they identified the following challenges and opportunities:

(a) *Chemicals*: the sound management of chemicals should be integrated into national sustainable development plans, as that could yield important health and related economic benefits;

(b) *Wastes*: although traditionally viewed as an environmental problem, wastes also presented an economic opportunity because they were a resource and could be used to generate energy;

(c) *Transport*: the phasing out of lead in petrol had been very successful as a result of the development of national standards; there was a need to invest in mass – or public – transport systems and infrastructure such as railway systems and non-fossil-fuel sources of energy for transport.

74. Ministers and high-level delegates expressed the view that during its current session the Commission should consider how to change consumer behaviour and lifestyle choices, along with responsible advertising and marketing, education and the concept of extended producer responsibility. Much, in their view, could be learned from indigenous populations, many of whom were already sustainable producers (for example, of organic products and textiles). Some of the lessons to be learned could be applied to support the transition to a green economy.

D. Messages from the ministerial breakfast on UNEP and the Commission on Sustainable Development

75. The cooperation between UNEP and the United Nations Department of Economic and Social Affairs should be strengthened in the preparation and implementation of the two-year cycle of the Commission on Sustainable Development. The establishment of a feedback mechanism between the two bodies would ensure complementarity between the Commission and the UNEP Governing Council/Global Ministerial Environment Forum processes.

76. The Commission's current cycle provided an opportunity to operationalize and to define a clear structure for the 10-year Framework of Programmes on sustainable consumption and production, which should build on the outputs of the Marrakech Process and other existing initiatives.

77. UNEP should continue and scale up its efforts to produce science-based information, to build the capacity of developing countries and countries with economies in transition to manage chemicals and resources sustainably and to enhance access to efficient and environmentally friendly technologies. UNEP was an appropriate forum for constructing a global platform on wastes issues, including how to convert wastes into energy.

78. The green economy would only be a useful economic model if it considered all aspects of sustainable development and addressed poverty eradication. If not, it risked hampering development.

79. There was a need for a governance system capable of meeting the challenges currently being faced. In that context UNEP work to reform international environmental governance was essential and should involve major groups and other stakeholders in consultation and in support of implementation. An advisory group from civil society would be an important addition to the process.

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